REMARKS

Claims 14, 17, 19, 20 remain pending and claims 23 and 24 are proposed to be added in this application. Claims 1-13, 15, 16, 18, 21 and 22 have been canceled without prejudice or disclaimer.

The amendment to claim 14 is supported, for example, by original claim 5 and the specification at page 26, lines 4-11. Claims 23 and 24 are proposed to be added to recite a method involving the administration of a composition consisting of 2-ethoxy-1-[[2'-(5-oxo-2,5-dihydro-1,2,4-oxadiazol-3-yl)biphenyl-4-yl]methyl]-1H-benzimidazole-7-carboxylic acid, a PPARγ agonist, and a pharmaceutically acceptable carrier. Support for these embodiments can be found, for example, at page 26, line 4 to page 27, line 34. Accordingly, no new matter has been introduced by this amendment.

Interview:

Applicants acknowledge, with appreciation, the personal interview conducted with Examiner Stockton on December 23, 2008. The rejections of record were discussed. The Examiner reminded the undersigned that the elected invention was identified as Group III that should be limited to methods of using products of formula (I). Claim 14, as presently drafted, includes subject matter that was both within and outside the scope of the elected invention. Applicants suggested that claim 16 would be canceled to moot the § 112 rejection. The arguments directed to the rejection based on Momose et al. are repeated below. The Examiner suggested that she would favorably consider the subject matter of claim 17, as presently advised.

Rejection: § 112

Claim 16 has been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Solely for the sake of advancing prosecution of this application, and without

admitting to the propriety of this rejection, claim 16 has been canceled without prejudice or disclaimer. Accordingly this rejection is moot.

Rejection: § 103 - Momose et al.

Claims 14 and 16-22 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Momose et al. (U.S. Patent No. 6,251,926). The Office takes the position that Momose et al. teaches a method of treating obesity by administering combinations of agents/drugs that can include pioglitazone hydrochloride and an angiotensin II antagonist such as Cardesartan - a compound of formula (I): claim 16.

Claim 14 as amended is directed to a method of inhibiting a body weight gain in a mammal wherein the body weight gain is induced by a PPARγ antagonist-like substance that is administered to the mammal in combination with a compound having angiotensin II antagonistic activity, a prodrug thereof or a salt thereof. Although Momose et al. lists these types of drugs as possible candidates to be used in combination with the ingredient which Momose et al. regards as essential - an oxyiminoalkanoic acid derivative - there is no recognition that the compound having an angiotensin II antagonistic activity suppresses body weight gain that is induced by the PPARγ agonist-like substance. It is clear that this relationship is not appreciated by Momose et al., as neither of the recited ingredients are necessarily present in the formulations taught by Momose et al.

There is no reason or suggestion provided by the teachings of Momose et al. to combine the recited substances and it would only be happenstance that such materials were selected from among the extraordinarily large number of combinations embraced by the teachings of Momose et al. Claim 17 is further distinguished, as recognized by

the Examiner, from the teachings of Momose et al. by reciting that the compound having angiotensin II activity is 2-ethoxy-1-[[2'-(5-oxo-2,5-dihydro-1,2,4-oxadiazol-3-yl)biphenyl-4-yl]methyl]-1H-benzimidazole-7-carboxylic acid.

Claims 23 and 24 are further distinguished from the teachings of Momose et al. by reciting that the composition administered to the mammal consists of, and therefore excludes an essential ingredient (i.e., the oxyiminoalkanoic acid derivative) of the Momose et al. composition, an effective amount of the compound recited in claim 17, an effective amount of a PPARγ agonist, and a pharmaceutically acceptable carrier. The elimination of an essential ingredient in the Momose et al. composition is not obvious. For this additional reason, claims 23 and 24 are not prima facie obvious from Momose et al.

Prompt and favorable reconsideration is requested.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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